

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SARAH ROSENBERG,	:	CIVIL ACTION
	:	NO. 18-4767
Plaintiff,	:	
	:	
v.	:	
	:	
C.R. BARD, INC.,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this **25th** day of **June, 2019**, for the reasons stated in the accompanying memorandum on the date hereof, it is hereby **ORDERED** that Defendant's Motion to File a Reply Brief (ECF No. 16) is **GRANTED**. It is **FURTHER ORDERED** that Defendant's Motion to Dismiss (ECF No. 6) is **GRANTED** as follows:

1. Plaintiff's negligence claim (Count III) is **DISMISSED without prejudice with leave to amend.**
2. Plaintiff's strict liability claims (Counts I and II) are **DISMISSED with prejudice.**
3. Plaintiff's abandoned claims (Counts IV-XIII) are **DISMISSED with prejudice.**

It is **FURTHER ORDERED** that Plaintiff may file an amended complaint by **July 25, 2019**. Defendant may file a responsive pleading by **August 8, 2019**.

It is **FURTHER ORDERED** that the following controlling question of law is hereby **CERTIFIED** to the United States Court

of Appeals for the Third Circuit for interlocutory appeal: does Pennsylvania law recognize a strict liability claim for a manufacturing defect of a prescription medical device?

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.